

EXHIBIT 31

JAMES J. PHILLIPS
IN RE COLLEGE ATHLETE NIL LIT.

October 10, 2023

1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 OAKLAND DIVISION

4 Case No. 4:20-cv-03919-CW

5 IN RE COLLEGE ATHLETE NIL
6 LITIGATION

7
8 Videotape Deposition of
9 James J. Phillips
October 10, 2023
At 9:36 a.m.

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19 Reported by LeShaunda Cass-Byrd, CSR, RPR
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1 Q. Do you have any view as to whether or not
2 the NCAA rule change -- changes relating to NIL in
3 July of '21 have had any impact at all on consumer
4 interest and college athletics?

5 MR. YATES: Object to form.

6 THE WITNESS: I don't -- I don't
7 think everybody loves it. I don't. I
8 think there's some purests that believe
9 that maybe it shouldn't be in there. I
10 take a different view on that, on name,
11 image and likeness. But I can't say that
12 everybody I've ever talked to in the last
13 two years, 100 percent everybody loves it.

14 BY MR. FEHER:

15 Q. Okay. In terms of when you said you take a
16 different view on that, what do you mean?

17 A. I'm supportive of name, image and likeness
18 and I think the record has shown that from -- from the
19 beginning. But it's not meant to be an inducement,
20 it's not meant to be a payment by the schools to
21 student athletes. It's about young people having a
22 chance to monetize their name, image, talents in a way
23 that they haven't had before in the history of -- of
24 the NCAA.

25 And I can just say my position is, I've

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1 been fighting for and always have as well, but I'll
2 speak for myself, fighting for a natural
3 standardization of that, that makes sense across
4 sports that are played intra and intrastate in a -- in
5 a way that this disparative kind of rules have caused
6 some imbalanced in the system. But I believe it's
7 a -- it's a great thing for student athletes and a --
8 and a positive addition to the modernization of
9 college athletics.

10 Q. Okay. And why do you think it's a great
11 thing for student athletes?

12 A. I would -- I would just say these are
13 really, you know, talented young people and -- and if
14 they have the interest and the desire to spend time in
15 that space and -- and market themselves and -- and
16 create an opportunity for them to provide services
17 and -- and be compensated in return, it makes sense.

18 Q. Okay. And before the NCAA rule change in
19 July of 2021, were you supportive in terms of opening
20 up the NCAA rules relating to name, image and likeness
21 compared to what they were in that pre-20 -- July of
22 2021 time period?

23 MR. YATES: Object to form.

24 BY MR. FEHER:

25 Q. And by opening up, I mean making it so that

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1 Q. Yeah.

2 A. I don't believe so.

3 Q. Okay. Are you aware of any studies or
4 analyses -- no.

5 Are you aware of any studies or analyses,
6 as to whether the NCAA's July 2021 NIL rules have had
7 any kind of negative impact on competitive balance in
8 NCAA athletic contests?

9 A. In contests, no, but. I would be remiss if
10 I didn't say that I hear it or feel it from individual
11 institutions relative to others having advantages,
12 recruiting advantages and a more lenient NIL
13 opportunities in their particular school. So, you
14 know, there's a feeling in the -- in the coaching
15 industry and -- and that there is some imbalanced
16 there. What some can do, others can't.

17 Q. Any studies or analyses of that?

18 That's a no?

19 A. No.

20 Q. Okay. Do you have any sense at all as
21 to -- well, let me ask you a different question.

22 Are you aware that there is an issue in
23 this case regarding what portion of broadcast revenues
24 might be attributable to student athlete NIL in --
25 well, let me just say it again and just leave it

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REPORTER'S CERTIFICATE

I, LESHAUNDA CASS-BYRD, CSR No. B-2291, RPR,
Registered Professional Reporter, certify that the
foregoing proceedings were taken before me at the time
and place therein set forth, at which time the witness
was put under oath by me;

That the testimony of the witness, the questions
propounded, and all objections and statements made at
the time of the examination were recorded
stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes to taken.

I further certify that I am not a relative or employee
of any attorney or the parties, nor financially
interested in the action.

I declare under penalty of perjury under the laws
of North Carolina that the foregoing is true and
correct.

Dated this October 12, 2023.



LESHAUNDA CASS-BYRD, CCR-B-2291, RPR

ERRATA SHEET FOR DEPOSITION TRANSCRIPT OF*James J. Phillips**Deposition Date: October 10, 2023**In Re College Athlete NIL Litigation, Case No. 4:20-cv-03919-CW*

Page	Lines	Transcript Text	Corrected Text	Reason for Change
10	2	Philips	Phillips	Transcription Error
10	14-16	It's a position that you also served on the president cabinet	It's a position that you also served on while on the president's cabinet	Transcription Error; Clarity of Point Being Made
11	19	turnkey	Turnkey	Transcription Error
12	3-4	I didn't know experiences	I didn't know what experiences	Transcription Error
14	11	all 500, 25 or so	all 525 or so	Transcription Error
15	1-2	administrators and the	administrators that the	Transcription Error
21	5	gambit	gamut	Clarification
21	8	gambit	gamut	Clarification
25	12-13	we've talked about so much	we've talked so much	Transcription Error
26	7-9	purests	purists	Typo
27	2	natural	national	Transcription Error
27	4	intrastate	interstate	Transcription Error
27	4-6	in a way that this disparative kind of rules have caused some imbalanced in the system.	in a way that these disparate kinds of rules have caused some imbalance in the system.	Transcription Error; Clarity of Point Being Made
28	9	athlete	athletes	Transcription Error
28	25	And that we had a standardization.	And that we had a national standardization.	Transcription Error
30	3-4	or a piece that's comes into the system	or a piece that has come into the system	Transcription Error; Clarity of Point Being Made
31	9-10	NCAA work conference level	NCAA or conference level	Transcription Error
33	17	make be money	make money	Transcription Error
34	21-22	there is subcommittees	there are subcommittees	Transcription Error
36	11	NIL actively	NIL activity	Transcription Error
38	11-13	support for institutions for student athletes	support from institutions to student athletes	Clarity of Point Being Made
39	22	in spirit	in the spirit	Transcription Error

42	14-15	[REDACTED]	[REDACTED]	Transcription Error
42	19-20	[REDACTED]	[REDACTED]	Typo
42	21-22	[REDACTED]	[REDACTED]	Transcription Error
42	24	[REDACTED]	[REDACTED]	Transcription Error
42	25	[REDACTED]	[REDACTED]	Transcription Error
43	2-3	[REDACTED]	[REDACTED]	Typo
43	6	[REDACTED]	[REDACTED]	Transcription Error
44	5-6	[REDACTED]	[REDACTED]	Transcription Error
47	5	[REDACTED]	[REDACTED]	Transcription Error
50	9	incite	insight	Transcription Error
50	14-15	sharing the NCAA counsel	chairing the NCAA council	Transcription Error
51	10	So it seem to	So it seemed	Transcription Error
54	18	allegation	allocation	Transcription Error
54	22-23	revenues for the conference	revenues of the Conference	Transcription Error
54	25	conference	Conference	Transcription Error
55	1	and there remain	and the remaining	Transcription Error
55	3	revenue shall be deemed to be an attributable	revenues shall be deemed to be attributable	Transcription Error
57	16-17	[REDACTED]	[REDACTED]	Transcription Error
57	24	[REDACTED]	[REDACTED]	Transcription Error
57	35	[REDACTED]	[REDACTED]	Transcription Error
58	2	[REDACTED]	[REDACTED]	Transcription Error
58	3	[REDACTED]	[REDACTED]	Transcription Error
59	5	[REDACTED]	[REDACTED]	Transcription Error
59	7	[REDACTED]	[REDACTED]	Transcription Error
59	9-10	[REDACTED]	[REDACTED]	Transcription Error
60	16-17	that very supportive	we are very supportive	Clarity of Point Being Made
60	19	likeness has to be done in a way that	likeness but it has to be done in a way that	Clarity of Point Being Made

60	22-23	there is some checks and balances	there are some checks and balances	Clarity of Point Being Made
63	3	[REDACTED]	[REDACTED]	Typo
63	6	[REDACTED]	[REDACTED]	Transcription Error
63	6	[REDACTED]	[REDACTED]	Transcription Error
63	11-12	[REDACTED]	[REDACTED]	Transcription Error
63	14	[REDACTED]	[REDACTED]	Transcription Error
63	18	[REDACTED]	[REDACTED]	Transcription Error
63	22	[REDACTED]	[REDACTED]	Transcription Error
64	21	[REDACTED]	[REDACTED]	Transcription Error
65	3-4	[REDACTED]	[REDACTED]	Transcription Error
65	9	[REDACTED]	[REDACTED]	Transcription Error
66	6-8	[REDACTED]	[REDACTED]	Transcription Error
71	2	[REDACTED]	[REDACTED]	Transcription Error
72	15	[REDACTED]	[REDACTED]	Transcription Error
71	3	[REDACTED]	[REDACTED]	Transcription Error
74	8	Amy Ocolluough	Amy Yakola	Transcription Error
74	9	Vanterio	Ben Tario	Transcription Error
78	20	[REDACTED]	[REDACTED]	Transcription Error
81	1	[REDACTED]	[REDACTED]	Transcription Error
85	5	[REDACTED]	[REDACTED]	Transcription Error
85	13	[REDACTED]	[REDACTED]	Transcription Error
86	9	[REDACTED]	[REDACTED]	Transcription Error
94	7	[REDACTED]	[REDACTED]	Transcription Error
98	10	[REDACTED]	[REDACTED]	Transcription Error
98	12	[REDACTED]	[REDACTED]	Clarity of Point Being Made
98	12-13	[REDACTED]	[REDACTED]	Transcription Error
98	16-17	[REDACTED]	[REDACTED]	Transcription Error
98	22	[REDACTED]	[REDACTED]	Transcription Error
99	6	[REDACTED]	[REDACTED]	Transcription Error
99	17	[REDACTED]	[REDACTED]	Transcription Error

99	22	[REDACTED]	[REDACTED]	Transcription Error
100	9	[REDACTED]	[REDACTED]	Transcription Error; Clarity of Point Being Made
100	20	[REDACTED]	[REDACTED]	Transcription Error
102	16-17	[REDACTED]	[REDACTED]	Transcription Error; Clarity of Point Being Made
102	20	[REDACTED]	[REDACTED]	Transcription Error
106	12	[REDACTED]	[REDACTED]	Transcription Error
106	15	[REDACTED]	[REDACTED]	Transcription Error
106	17	[REDACTED]	[REDACTED]	Transcription Error
106	18	[REDACTED]	[REDACTED]	Transcription Error
112	4	propose new governance model that allow	propose a new governance model that allows	Transcription Error
112	5	may	must	Transcription Error
113	2	monetization	modernization	Transcription Error
117	6	[REDACTED]	[REDACTED]	Transcription Error
118	2	[REDACTED]	[REDACTED]	Transcription Error
122	14	[REDACTED]	[REDACTED]	Typo
127	10-11	higher affordability affordable	higher ed affordability affordable	Transcription Error
131	5	[REDACTED]	[REDACTED]	Transcription Error
132	15	[REDACTED]	[REDACTED]	Transcription Error
134	2	expected to the committee	expected the committee	Transcription Error
134	19	served	serve	Transcription Error
138	5	[REDACTED]	[REDACTED]	Transcription Error
138	9	[REDACTED]	[REDACTED]	Transcription Error
139	9	[REDACTED]	[REDACTED]	Transcription Error
139	19-20	[REDACTED]	[REDACTED]	Transcription Error
141	7	Austin	Alston	Transcription Error
141-142	2	eternal	internal	Transcription Error
142	19-20	Mischaracterizes?	Mischaracterizes.	Transcription Error
145	9	[REDACTED]	[REDACTED]	Transcription Error
147	5	[REDACTED]	[REDACTED]	Transcription Error
147	7	[REDACTED]	[REDACTED]	Transcription Error
148	12	[REDACTED]	[REDACTED]	Transcription Error

149	4			Transcription Error
149	4			Transcription Error
149	7			Transcription Error
149	10			Transcription Error
150	3			Typo
150	6			Transcription Error
150	15			Transcription Error
150	18			Transcription Error
150	19			Transcription Error
150	22			Transcription Error
152	9			Transcription Error
153	8			Transcription Error
153	11			Transcription Error
159	19			Transcription Error
166	10	elective official	elected official	Transcription Error
166	12-13			Transcription Error
167	16			Transcription Error
167	17			Transcription Error
167	21			Transcription Error
167	23			Transcription Error
168	1			Transcription Error
172	18	I don't like skirt laws	I don't like to skirt laws	Transcription Error
173	21	conferences that enters	conference as it enters	Transcription Error
185	4			Transcription Error
184	10-11			Transcription Error
186	17-18			Transcription Error
187	1			Transcription Error
187	3-4			Transcription Error
187	16	support	sport	Transcription Error
198	24			Typo
199	13			Transcription Error
199	17			Typo
202	14			Transcription Error
205	9	compared to 1920	compared to '19, '20	Transcription Error
205	22			Transcription Error
206	7-8			Transcription Error

I, James J. Phillips, do hereby certify: that I have read my deposition transcript dated October 10, 2023; that the changes and corrections to my deposition transcript set forth above are

necessary to render the same true and correct; that having made such changes, I hereby subscribe my name to the deposition. I declare, under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of November, 2023 at Charlotte, NC.
(City/State)



James J. Phillips